

Executive Summary – Enforcement Matter – Case No. 37380
Dome Petrochemical, L.C.
RN101519551
Docket No. 2009-0449-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Dome Petrochemical Chambers Plant II, 6655 West Bay Road, Baytown, Chambers County

Type of Operation:

Industrial organic chemical production plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 14, 2009

Comments Received: No

Penalty Information

Total Penalty Assessed: \$39,059

Amount Deferred for Expedited Settlement: \$7,811

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$973

Total Due to General Revenue: \$30,275

Payment Plan: 35 payments of \$865 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 18, 2007

Date(s) of NOE(s): December 16, 2008

Violation Information

1. Failed to conduct Leak Detection and Repair ("LDAR") on 471 components in volatile organic compound ("VOC") service. Specifically, the Respondent has not conducted quarterly LDAR on any of the compressor seals, pump seals, accessible valves or pressure relief valves in VOC service at the Plant [30 TEX. ADMIN. CODE §§ 101.20(1), 101.20(3), 115.354(2), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 60.482-1(a), Federal Operating Permit No. O-01572 Special Terms and Conditions Nos. 1A and 10, New Source Review ("NSR") Permit No. 45375 / PSD-TX-1007 Special Condition Nos. 1 and 23, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to submit a written request to amend NSR Permit No. 45375 / PSD-TX-1007. Specifically, the Respondent failed to amend NSR Permit No. 45375 / PSD-TX-1007 to either re-authorize or remove equipment that has not been constructed prior to December 31, 2006 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.116(a)(1) and 122.143(4), Federal Operating Permit No. O-01572 Special Terms and Conditions No. 10, NSR Permit No. 45375 / PSD-TX-1007 Special Condition Nos. 1 and 25, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to operate the Vapor Collection System ("VCS") and the Vapor Combustion Unit ("VCU") during loading operations as required by NSR Permit No. 45375 / PSD-TX-1007 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c) and 122.143(4), Federal Operating Permit No. O-01572 Special Terms and Conditions No. 10, NSR Permit No. 45375 / PSD-TX-1007 Special Condition No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to install, calibrate, and maintain a continuous monitoring and recording instrument for oxygen and temperature for the VCU as required by NSR Permit No. 45375 / PSD-TX-1007 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c) and 122.143(4), Federal Operating Permit No. O-01572 Special Terms and Conditions No. 10, NSR Permit No. 45375 / PSD-TX-1007 Special Condition No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to disclose a deviation within the semi-annual deviation reporting period and to accurately certify the annual compliance certification. Specifically, the Respondent reported no deviations for the March 30, 2006 through March 29, 2007 reporting period, however, deviations were documented in an investigation conducted December

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18, 2007 [30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), and 142.146(1), Federal Operating Permit No. O-01572 General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures at the Plant:

- a. Prior to March 31, 2008, an administrative policy was put in place for all Title V and other reporting requirements. Additionally, an experienced compliance professional was added to the Plant to handle all aspects of compliance; and
- b. On March 23, 2009, a revision was issued to NSR Permit No. 45375 / PSD-TX-1007 to accurately reflect the equipment that has been constructed at the Plant.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days after the startup of the Plant:
 - i. Implement measures to ensure that all components required to be under the LDAR program are correctly identified, monitored, maintained, repaired and recorded;
 - ii. Begin operation of the VCS and the VCU during loading operations; and
 - iii. Install, calibrate, and maintain a continuous monitoring and recording instrument for oxygen and temperature for the VCU.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

Executive Summary – Enforcement Matter – Case No. 37380
Dome Petrochemical, L.C.
RN101519551
Docket No. 2009-0449-AIR-E

TCEQ Enforcement Coordinator: Jessica Schildwachter, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Rodman Eggen, Authorized Representative, Dome Petrochemical, L.C., 3121 Buffalo Speedway Suite 2304, Houston, Texas 77098

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES

Assigned 16-Mar-2009

PCW 12-May-2009

Screening 23-Mar-2009

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent Dome Petrochemical, L.C.

Reg. Ent. Ref. No. RN101519551

Facility/Site Region 12-Houston

Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 37380

Docket No. 2009-0449-AIR-E

Media Program(s) Air

Multi-Media

No. of Violations 5

Order Type 1660

Government/Non-Profit No

Enf. Coordinator James Nolan

EC's Team Enforcement Team 4

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$24,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 45.0% Enhancement Subtotals 2, 3, & 7 \$11,025

Notes Penalty enhancement due to two previous 1660-style Agreed Orders and one previous similar NOV.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$875

Economic Benefit Subtotal 6 \$0

Total EB Amounts \$5,508
Approx. Cost of Compliance \$15,774

0.0% Enhancement*
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$34,650

OTHER FACTORS AS JUSTICE MAY REQUIRE

12.7%

Adjustment \$4,409

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Avoided cost associated with the failure to monitor fugitive emissions for 13 quarters as shown in Violation 1.

Final Penalty Amount \$39,059

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$39,059

DEFERRAL

20.0%

Reduction

Adjustment -\$7,811

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY

\$31,248

Screening Date 23-Mar-2009

Docket No. 2009-0449-AIR-E

PCW

Respondent Dome Petrochemical, L.C.

Policy Revision 2 (September 2002)

Case ID No. 37380

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101519551

Media [Statute] Air

Enf. Coordinator James Nolan

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 45%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Penalty enhancement due to two previous 1660-style Agreed Orders and one previous similar NOV.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 45%

Screening Date 23-Mar-2009

Docket No. 2009-0449-AIR-E

PCW

Respondent Dome Petrochemical, L.C.

Policy Revision 2 (September 2002)

Case ID No. 37380

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101519551

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1), 101.20(3), 115.354(2), 116.115(c), and 122.143(4), 40 Code of Federal Regulations § 60.482-1(a), Federal Operating Permit No. O-01572 Special Terms and Conditions Nos. 1A and 10, New Source Review ("NSR") Permit No. 45375 / PSD-TX-1007 Special Condition Nos. 1 and 23, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to conduct Leak Detection and Repair ("LDAR") on 471 components in volatile organic compound ("VOC") service. Specifically, the Respondent has not conducted quarterly LDAR on any of the compressor seals, pump seals, accessible valves or pressure relief valves in VOC service at the Plant.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Harm Moderate	Minor
Release Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 7

1126 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty \$17,500

Seven semiannual events are recommended for the period beginning one quarter after operations began at the Plant (June 30, 2004) and ending the date the Plant was shutdown (July 31, 2007).

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to CURRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$17,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,501

Violation Final Penalty Total \$28,604

This violation Final Assessed Penalty (adjusted for limits) \$28,604

Economic Benefit Worksheet

Respondent Dome Petrochemical, L.C.
Case ID No. 37380
Reg. Ent. Reference No. RN101519551
Media Air
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,000	18-Dec-2007	18-Oct-2009	1.84	\$92	n/a	\$92
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to improve policies and procedures to include quarterly leak detection and repair. The date required is the date of investigation and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$3,674	30-Jun-2004	31-Jul-2007	4.00	\$735	\$3,674	\$4,409

Notes for AVOIDED costs

These are actual costs avoided by not monitoring 471 components (\$7.80 per component). The date required is one quarter after operations began at the Plant and the final date is the date the Plant was shutdown.

Approx. Cost of Compliance

\$4,674

TOTAL

\$4,501

Screening Date 23-Mar-2009

Docket No. 2009-0449-AIR-E

PCW

Respondent Dome Petrochemical, L.C.

Policy Revision 2 (September 2002)

Case ID No. 37380

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101519551

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), 116.116(a)(1), and 122.143(4), Federal Operating Permit No. O-01572 Special Terms and Conditions No. 10, NSR Permit No. 45375 / PSD-TX-1007 Special Condition Nos. 1 and 25, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit a written request to amend NSR Permit No. 45375 / PSD-TX-1007. Specifically, the Respondent failed to amend NSR Permit No. 45375 / PSD-TX-1007 to either re-authorize or remove equipment that has not been constructed prior to December 31, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>>Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 461 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction \$250

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes On March 23, 2009, a permit amendment was issued.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$158

Violation Final Penalty Total \$3,804

This violation Final Assessed Penalty (adjusted for limits) \$3,804

Economic Benefit Worksheet

Respondent Dome Petrochemical, L.C.
Case ID No. 37380
Reg. Ent. Reference No. RN101519551
Media Air
Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$2,500	18-Dec-2007	23-Mar-2009	1.26	\$158	n/a	\$158
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit an amendment for NSR Permit No. 45375 / PSD-TX-1007. The date required is the date of investigation and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$158

Screening Date 23-Mar-2009

Docket No. 2009-0449-AIR-E

PCW

Respondent Dome Petrochemical, L.C.

Policy Revision 2 (September 2002)

Case ID No. 37380

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101519551

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Federal Operating Permit No. O-01572 Special Terms and Conditions No. 10, NSR Permit No. 45375 / PSD-TX-1007 Special Condition No. 5, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to operate the Vapor Collection System ("VCS") and the Vapor Combustion Unit ("VCU") during loading operations as required by NSR Permit No. 45375 / PSD-TX-1007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			x	

>>Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

461 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$523

Violation Final Penalty Total \$1,635

This violation Final Assessed Penalty (adjusted for limits) \$1,635

Economic Benefit Worksheet

Respondent Dome Petrochemical, L.C.
Case ID No. 37380
Reg. Ent. Reference No. RN101519551
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$3,000	18-Dec-2007	18-Oct-2009	1.84	\$18	\$367	\$385
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	18-Dec-2007	18-Oct-2009	1.84	\$138	n/a	\$138

Notes for DELAYED costs

Estimated cost to operate the VCU and VCS. The date required is the date of investigation and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,500

TOTAL

\$523

Screening Date 23-Mar-2009

Docket No. 2009-0449-AIR-E

PCW

Respondent Dome Petrochemical, L.C.

Policy Revision 2 (September 2002)

Case ID No. 37380

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101519551

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c) and 122.143(4), Federal Operating Permit No. O-01572 Special Terms and Conditions No. 10, NSR Permit No. 45375 / PSD-TX-1007 Special Condition No. 19, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to install, calibrate, and maintain a continuous monitoring and recording instrument for oxygen and temperature for the VCU as required by NSR Permit No. 45375 / PSD-TX-1007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>>Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

Human health or the environment could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

461 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$303

Violation Final Penalty Total \$1,635

This violation Final Assessed Penalty (adjusted for limits) \$1,635

Economic Benefit Worksheet

Respondent Dome Petrochemical, L.C.
Case ID No. 37380
Reg. Ent. Reference No. RN101519551
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment	\$1,500	18-Dec-2007	18-Oct-2009	1.84	\$9	\$184	\$193
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$500	18-Dec-2007	18-Oct-2009	1.84	\$3	\$61	\$64
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	18-Dec-2007	18-Oct-2009	1.84	\$46	n/a	\$46
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to install, calibrate, and maintain a continuous monitoring system for the VCU. The date required is the date of investigation and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$303

Screening Date 23-Mar-2009

Docket No. 2009-0449-AIR-E

PCW

Respondent Dome Petrochemical, L.C.

Policy Revision 2 (September 2002)

Case ID No. 37380

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101519551

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(A), and 122.146(1), Federal Operating Permit No. O-01572 General Terms and Conditions, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to disclose a deviation within the semi-annual deviation reporting period and to accurately certify the annual compliance certification. Specifically, the Respondent reported no deviations for the March 30, 2006 through March 29, 2007 reporting period, however, deviations were documented in an investigation conducted December 18, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>>Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 461 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

Prior to March 31, 2008, an administrative policy was put in place for all Title V and other reporting requirements. Additionally, an experienced compliance professional was added to the Plant to handle all aspects of compliance.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$3,382

This violation Final Assessed Penalty (adjusted for limits) \$3,382

Economic Benefit Worksheet

Respondent Dome Petrochemical, L.C.

Case ID No. 37380

Reg. Ent. Reference No. RN101519551

Media Air

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	18-Dec-2007	31-Mar-2008	0.28	\$7	n/a	\$7
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,100	18-Dec-2007	31-Mar-2008	0.28	\$16	n/a	\$16

Notes for DELAYED costs

The estimated cost to submit complete and accurate semi-annual deviation reports. The date required is the date of investigation and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,600

TOTAL

\$23

Compliance History Report

Customer/Respondent/Owner-Operator: CN601182496 Dome Petrochemical, L.C. Classification: AVERAGE Rating: 14.62
 Regulated Entity: RN101519551 DOME PETROCHEMICAL CHAMBERS PLANT II Classification: AVERAGE Site Rating: 27.20

ID Number(s):
 AIR OPERATING PERMITS ACCOUNT NUMBER CI0069U
 AIR OPERATING PERMITS PERMIT 1572
 AIR OPERATING PERMITS ACCOUNT NUMBER CI0191W
 AIR NEW SOURCE PERMITS PERMIT 9564
 AIR NEW SOURCE PERMITS PERMIT 31384
 AIR NEW SOURCE PERMITS REGISTRATION 75699
 AIR NEW SOURCE PERMITS REGISTRATION 76232
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER CI0191W
 AIR NEW SOURCE PERMITS EPA ID PSDTX1007
 AIR NEW SOURCE PERMITS PERMIT 45375
 AIR NEW SOURCE PERMITS EPA ID PSDTX670
 AIR NEW SOURCE PERMITS AFS NUM 4807100031

Location: 6655 W BAY RD, BAYTOWN, TX, 77523

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 31, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 23, 2004 to March 23, 2009

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: James Nolan Phone: (512) 239-6634

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Dome Petrochemical, L.C.
Dome Hydrocarbons, L.C.
4. If Yes, who was/were the prior owner(s)?
West Bay Organics, L.C.
5. When did the change(s) in ownership occur?
03/31/2004
6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 02/20/2006 ADMINORDER 2005-1473-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit the compliance certification on time.

Effective Date: 10/04/2007 ADMINORDER 2007-0207-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)

Rqmt Prov: SC 12 FOP O-01572 OP

Description: Failed to submit an annual compliance certification for the period March 30, 2005 to March 30, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(B)

30 TAC Chapter 122, SubChapter B 122.145(2)(C)

Rqmt Prov: SC #12 FOP O-01572 OP

Description: Failed to submit a timely deviation report for the period March 30, 2005 to September 29, 2005.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	04/16/2004	(256014)
2	08/10/2005	(403589)
3	12/18/2006	(457403)
4	08/20/2007	(566980)
5	12/04/2008	(595618)
6	12/16/2008	(595616)
7	03/13/2009	(736056)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 12/04/2008 (595618)

Self NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

NSR # 9564, Special Condition 3 PERMIT

Description: Failed to control VOCs by a vapor control system and flare; and failed to monitor and record the pressure for every affected VOC source.

Self NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

NSR, Special Condition 14 PERMIT

Description: Failure to conduct monthly monitoring of the cooling tower water for VOC leakage from heat exchangers.

Self NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)

5C THSC Chapter 382 382.085(b)

NSR # 9564, Special Condition 15 PERMIT

Description: Failed to conduct Leak Detection and Repair (LDAR) on piping, valves, connectors, pumps and compressors in VOC service.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
DOME PETROCHEMICAL, L.C.
RN101519551**

**§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-0449-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Dome Petrochemical, L.C. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates an industrial organic chemical production plant at 6655 West Bay Road in Baytown, Chambers County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 21, 2008.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty-Nine Thousand Fifty-Nine Dollars (\$39,059) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Nine Hundred Seventy-Three Dollars (\$973) of the administrative penalty and Seven Thousand Eight Hundred Eleven Dollars (\$7,811) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Thirty Thousand Two Hundred Seventy-Five Dollars (\$30,275) of the administrative penalty shall be payable in 35 monthly payments of Eight Hundred Sixty-Five Dollars (\$865) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. Prior to March 31, 2008, an administrative policy was put in place for all Title V and other reporting requirements. Additionally an experienced compliance professional was added to the Plant to handle all aspects of compliance; and
 - b. On March 23, 2009, a revision was issued to New Source Review ("NSR") Permit No. 45375 / PSD-TX-1007 to accurately reflect the equipment that has been constructed at the Plant.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to conduct Leak Detection and Repair ("LDAR") on 471 components in volatile organic compound ("VOC") service, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 101.20(3), 115.354(2), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 60.482-1(a), Federal Operating Permit No. O-01572 Special Terms and Conditions Nos. 1A and 10, NSR Permit No. 45375 / PSD-TX-1007 Special Condition Nos. 1 and 23, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 18, 2007. Specifically, the Respondent has not conducted quarterly LDAR on any of the compressor seals, pump seals, accessible valves or pressure relief valves in VOC service at the Plant.
2. Failed to submit a written request to amend NSR Permit No. 45375 / PSD-TX-1007, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.116(a)(1) and 122.143(4), Federal Operating Permit No. O-01572 Special Terms and Conditions No. 10, NSR Permit No. 45375 / PSD-TX-1007 Special Condition Nos. 1 and 25, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 18, 2007. Specifically, the Respondent failed to amend NSR Permit No. 45375 / PSD-TX-1007 to either re-authorize or remove equipment that has not been constructed prior to December 31, 2006.
3. Failed to operate the Vapor Collection System ("VCS") and the Vapor Combustion Unit ("VCU") during loading operations as required by NSR Permit No. 45375 / PSD-TX-1007, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c) and 122.143(4), Federal Operating Permit No. O-01572 Special Terms and Conditions No. 10, NSR Permit No. 45375 / PSD-TX-1007 Special Condition No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 18, 2007.

4. Failed to install, calibrate, and maintain a continuous monitoring and recording instrument for oxygen and temperature for the VCU as required by NSR Permit No. 45375 / PSD-TX-1007, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c) and 122.143(4), Federal Operating Permit No. O-01572 Special Terms and Conditions No. 10, NSR Permit No. 45375 / PSD-TX-1007 Special Condition No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 18, 2007.
5. Failed to disclose a deviation within the semi-annual deviation reporting period and to accurately certify the annual compliance certification, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), and 142.146(1), Federal Operating Permit No. O-01572 General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 18, 2007. Specifically, the Respondent reported no deviations for the March 30, 2006 through March 29, 2007 reporting period, however, deviations were documented in an investigation conducted December 18, 2007.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Dome Petrochemical, L.C., Docket No. 2009-0449-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the startup of the Plant:
 - i. Implement measures to ensure that all components required to be under the LDAR program are correctly identified, monitored,

maintained, repaired and recorded, as required by NSR Permit No. 45375 / PSD-TX-1007;

- ii. Begin operation of the VCS and the VCU during loading operations, in accordance with NSR Permit No. 45375 / PSD-TX-1007; and
 - iii. Install, calibrate, and maintain a continuous monitoring and recording instrument for oxygen and temperature for the VCU, in accordance with NSR Permit No. 45375 / PSD-TX-1007.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by

an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

4/9/13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

2/25/13
Date

RODMAN EGGEN
Name (Printed or typed)
Authorized Representative of
Dome Petrochemical, L.C.

AUTHORIZED REP.
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.